IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 22976 of 2003

Between:

Smt.G.Lakshmi w/o Late G.Ramaiah
R/o Mancherial., Adilabad District.

..... PETITIONER

AND

1 The APSRTC., rep.by its Managing Director., Musheerabad., Hyderabad.
2 The Regional Manager., APSRTC., Adilabad Region., Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus not considering the claim of the petitioner for appointment of her son as Conductor/Shramik or any other suitable post under Bread Winner Scheme is illegal, arbitrary and contrary to the law laid down by the Hon'ble Supreme Court and consequently direct the respondents to appoint the petitioners son under Bread Winner Scheme as Cleaner/Conductor or any other suitable post

Counsel for the Petitioner: MR.S.A.K.MYNUDDIN

Counsel for the Respondents : SMT.G.JYOTHI KIRAN

The Court made the following:

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 22976 of 2003

ORDER:

The petitioner is the wife of G.Ramaiah who died on 25.11.2000 working with second respondent as tyre mechanic at Mancherial Depot. The petitioner made an application on 28.12.2000 seeking appointment of her son G. Satyanarayana to the post of conductor or as cleaner/shramik or to any other suitable post. As the said application has not been considered, this writ petition has been filed for a direction to the respondents to consider the claim of the petitioner.

This Court while admitting the writ petition on 31.10.2003 in W.P.M.P. No. 28821 of 2003 directed the respondents to consider the claim of the petitioner for the appointment on compassionate grounds into any suitable post as per the circular instructions issued by the respondents within two months from the date of receipt of copy of the said order.

Pursuant to the said order the Regional Manager, Adilabad vide his proceedings No. ALP/785(WP-52)03-RA ABD considered the case of the petitioner for appointment of his son to the post of Conductor in terms of Circular No.60/03 dated 30.07.2003 and placed her son's name in the seniority list at S.No.8 for the post of Conductor under breadwiner scheme in Adilabad Region. Since the petitioner was also claiming for the appointment of her son for shramik, the said application was placed in the seniority list at S.No.1 and the same will be considered for appointment of his son as and when vacancy arises.

In view of the aforesaid order dated 23.01.2004, the case of the petitioner was

already considered and the name of the petitioner's son was placed at appropriate seniority list for appointment either for the post of Conductor at S.No.8 and for the post of Shramik, at S.No.1.

Having regard to the facts and circumstances of the case, the respondents are directed to comply with the orders of the Regional Manager, Adilabad dated 23.01.2004 made in proceedings No. ALP/785(WP-52)03-RA ABD by considering the case of the petitioner for the appointment of her son as conductor, whose name is in S.No.8, Adilabad and for the appointment of Shramik at S.No.1 under the breadwinner scheme, as and when the vacancy arises, appoint the son of the petitioner as per the choice of the petitioner's son to take the appropriate post. If the said order released on 23.01.2004 is not complied and the seniority is not followed, it is open to the petitioner to take necessary action.

This writ petition is accordingly disposed of .No costs.

_____

12-08-2004

kvrm